

Remarks

Claims 13-16 were previously withdrawn from consideration. Solely to advance prosecution, claims 13-16 and 18 are canceled herein without prejudice to renewal. Applicants expressly reserve the right to prosecute claims 13-16 and 18 in a continuation application.

Claim 12 is amended herein. Support for the amendment of claim 12 can be found throughout the specification, for example, at page 15, lines 13-17 and lines 25-28, page 12, lines 19-24, page 14, lines 21-34, and page 6, lines 6-15, and page 5, lines 7-11

New claims 19-21 depend from claim 1. These new claims are added to be directed to individual portions of HSV1 VP22 that are recited (as a group) in claim 1. Support for new claims 19-21 can be found throughout the specification, for example at page 15, lines 13-17 and lines 25-28.

Applicants believe no new matter is added herein. Reconsideration of the subject application is respectfully requested.

Rejections Under 35 U.S.C. § 112, first paragraph

Claim 12 and 17-18 were rejected as allegedly there is insufficient written description for a genus of proteins that include a portion of HSV1 VP22 protein that binds to microtubules. Claim 18 is canceled herein, rendering the rejection moot as applied to this claim. Applicants respectfully disagree with this rejection as applied to independent claim 12 and dependent claim 17.

The Office action (at page 3) notes that three polypeptides that bind microtubules are described in the specification, namely amino acids 1-127, amino acids 1-197, and amino acids 1-172 of HSV1 VP22 protein. Claim 12 has been amended to specifically recite these three HSV1 VP22 polypeptides. Applicants submit that the amendment of claim 12 to refer to specific polypeptides set forth in the specification, and acknowledged in the Office action, renders the rejection moot.

New claims 19-21 are added herein that depend from claim 12 and are limited to an individual protein. Thus, claims 19, 20 and 21 are limited to polypeptides comprising amino acids 1-127, amino acids 1-197, and amino acids 1-172 of HSV1 VP22 protein, respectively.

Applicants express reserve the right to prosecute any additional subject matter in a continuation application.

Claims 12 and 18 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly the delivery of a microtubule binding drug is not enabled by the specification. Applicants respectfully disagree with this rejection.

However, solely to advance prosecution, claim 12 is amended herein to delete the word "drug" and insert therefore "substance." The delivery of microtubule binding substances, such as taxol, is described throughout the specification, such as on page 12, lines 19 to 24, page 14, lines 21-34, and page 6, lines 6-15, and page 5, lines 7-11. Claim 18 is canceled herein. Applicants submit that these amendments render the rejection moot.

Applicants express reserve the right to prosecute any additional subject matter in a continuation application.

Conclusion

Applicants submit that claims 12 and 18-21 are in condition for allowance, which action is requested. Applicants have made every effort to address any outstanding rejections set forth in the Office action dated September 21, 2005. In the unlikely event that the amendments and remarks presented herein do not address the Examiner's concerns, the Examiner is respectfully requested to contact the undersigned for a telephone interview prior to the issuance of an Advisory action.

Respectfully submitted,

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